
By: **Delegates Flanagan, Rawlings, and C. Davis**

Rules suspended

Introduced and read first time: March 16, 2001

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Compensation for Erroneous Conviction and Imprisonment - Eligibility**
3 **Requirements**

4 FOR the purpose of altering the eligibility requirements for a grant to certain
5 individuals for erroneous conviction, sentencing, and confinement to require a
6 finding by the Board of Public Works that the individual's conviction has been
7 shown conclusively in error; and generally relating to compensation for an
8 erroneous conviction and imprisonment.

9 BY repealing and reenacting, with amendments,
10 Article - State Finance and Procurement
11 Section 10-501
12 Annotated Code of Maryland
13 (1995 Replacement Volume and 2000 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - State Finance and Procurement**

17 10-501.

18 (a) (1) Subject to subsection (b) of this section, the Board of Public Works
19 may grant to an individual erroneously convicted, sentenced, and confined under
20 State law for a crime the individual did not commit an amount commensurate with
21 the actual damages sustained by the individual due to the confinement.

22 (2) In making a grant under paragraph (1) of this subsection, the Board
23 of Public Works shall use money in the General Emergency Fund or money that the
24 Governor provides in the annual budget.

25 (b) An individual is eligible for a grant under subsection (a) of this section only
26 if [the individual has received from the Governor a full pardon stating] THE BOARD

1 OF PUBLIC WORKS MAKES A FINDING that the individual's conviction has been shown
2 conclusively to be in error.

3 (c) The Board of Public Works may pay the grant determined under
4 subsection (a) of this section in a lump sum or in installments.

5 (d) (1) The Board of Public Works may not pay any part of a grant made
6 under this section to any individual other than the pardoned individual.

7 (2) (i) An individual may not pay any part of a grant received under
8 this section to another person for services rendered in connection with the collection
9 of the grant.

10 (ii) An obligation incurred in violation of this paragraph is void.

11 (iii) A payment made in violation of this paragraph shall be forfeited
12 to the State.

13 (e) This section does not prohibit an individual from contracting for services
14 to:

15 (1) determine the individual's innocence;

16 (2) obtain a pardon; or

17 (3) obtain the individual's release from confinement.

18 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
19 October 1, 2001.